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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,506	03/20/2001	Mitsuharu Nakamura	040894-5647	8902

9629 7590 01/03/2002  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 20036-5869

EXAMINER

NGUYEN, SON V

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/811,506

Applicant(s)

Nakamura et al.

Examiner

Son Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Oct 18, 2001

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-7 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-7 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## DETAILED ACTION

### *Claim Objections*

1. Claim 4 is objected to because of the following informalities: In line 2, it is unclear whether applicant intended "a connector" to be the same "a connector" in claim 1, line 5.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutler et al. (US 3,779,238).

Cutler et al. discloses a dustproof cover assembly [figure 5] comprising:

- a cap-shape cover [14];
- a packing protecting portion [46] extending from an end of an opening of a peripheral wall of the cover in a continual longitudinal direction [figure 5];

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- the cover is fitted to a connector [23, 57] so as to cover a front end fitting surface of the connector and the packing protecting portion covers a packing [47] exposed around an outer peripheral portion of the connector.

- an inner peripheral surface of the packing protecting portion is formed in such a manner as to be brought into contact with the packing [figure 5]; and

- a latching mechanism comprising an engaging projection [42] provided on the inner surface of the cover and a locking arm provided on the outer surface of the connector [figure 5].

4. Claims 1-2 and 4-6 are also rejected under 35 U.S.C. 102(b) as being anticipated by Marshall et al. (US 5,626,489).

Marshall et al. discloses a dustproof cover assembly [figures 4-5] comprising:

- a cap-shape cover [16];
- a packing protecting portion [see attachment] extending from an end of an opening of a peripheral wall of the cover in a continual longitudinal direction;

- the cover is fitted to a connector [12, 14] so as to cover a front end fitting surface of the connector and the packing protecting portion covers a packing [see attachment] exposed around an outer peripheral portion of the connector; and

- an inner peripheral surface of the packing protecting portion is formed in such a manner as to be brought into contact with the packing [figure 3].

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. and Japan Patent (JP 05-23462U).

Marshall et al. discloses the instant claimed invention except for a latching mechanism comprising an engaging projection provided on the inner surface of the cover and a locking arm provided on the outer surface of the connector.

JP '462U discloses a dustproof cover assembly [figures 4 and 6] comprising an engaging projection [53] provided on the inner surface of a cover [47] for engaging with a locking arm [55] provided on an outer surface of a connector [41].

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the cover assembly of Marshall et al. to provide the latching mechanism as taught by JP '462U for the purpose of facilitate retaining the cover to the connector.

***Response to Arguments***

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7. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Cutler et al. and Marshall et al. discloses a packing protecting portion provided by extending an end of an opening of a peripheral wall of a cover in a continual longitudinal direction that applicant claimed.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son Nguyen whose telephone number is (703) 308-8745.

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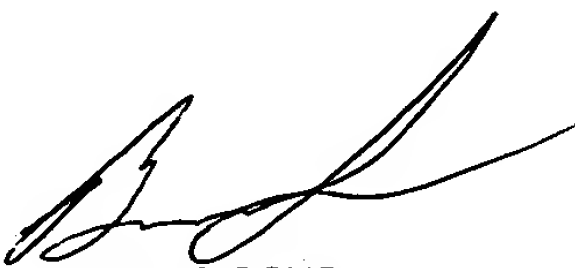
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reach on (703) 308-3119. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

Son Nguyen

SN

December 28, 2001

  
**BRIAN SIRCUS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**

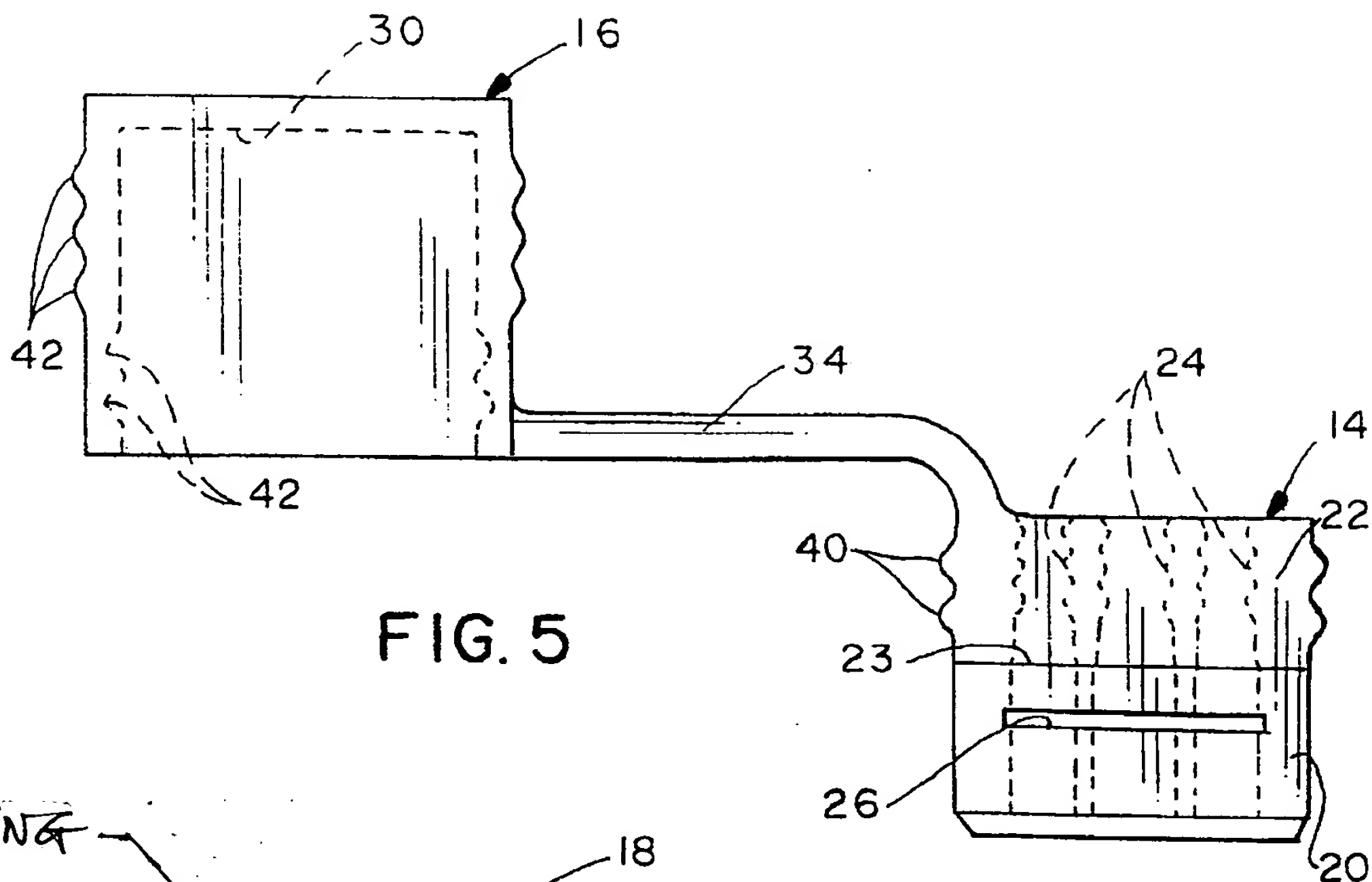


FIG. 5

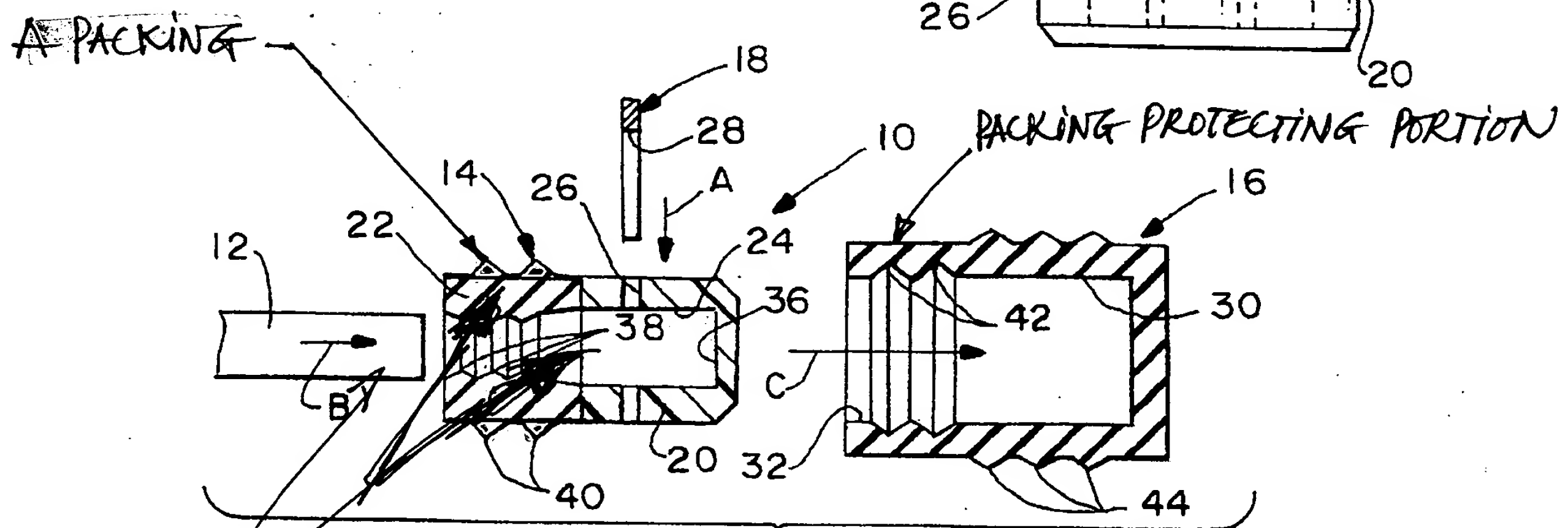


FIG. 4

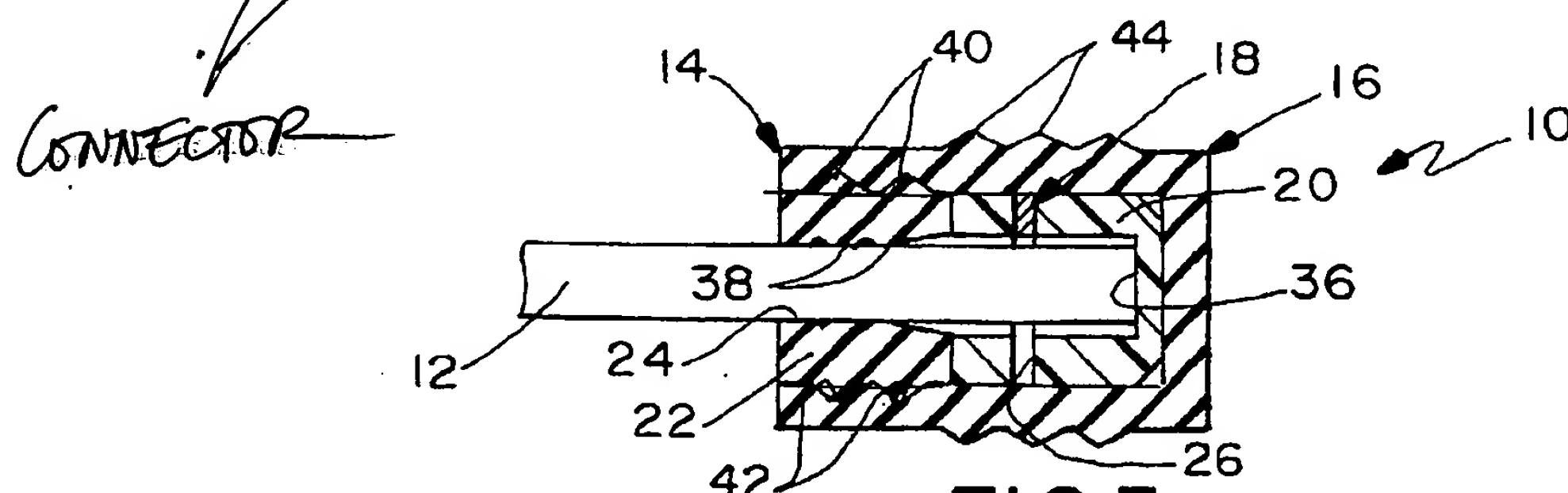


FIG.3

ATTACHMENT